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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$54,760.00 IN UNITED STATES
CURRENCY

Defendant *in rem*.

Hon. Susan D. Wigenton, U.S.D.J.

Civil Action. No. 16-2075 (SDW)

DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE

WHEREAS, on or about August 27, 2015, the U.S. Drug Enforcement Administration ("DEA") seized \$54,760.00 in United States currency, from carry-on luggage belonging to Lionel Manigault at Terminal C, Gate 131 at Newark Liberty International Airport in Elizabeth, New Jersey (the "defendant property");

WHEREAS, on or about January 15, 2016, the DEA received an administrative claim from Lionel Manigault through his counsel Erica C. Mirabella, Esq;

WHEREAS, on April 14, 2016, the United States commenced a civil judicial action for the forfeiture of the defendant property by filing a Verified Complaint for Forfeiture *In Rem* (the "Verified Complaint"). (ECF No.1);

WHEREAS the Verified Complaint alleges that the defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6), because it constitutes money furnished or intended to be furnished in exchange for a controlled substance or represents proceeds traceable to an exchange for a controlled substance, a violation of the Controlled Substances Act, in violation of 21 U.S.C. § 801, et seq.;

WHEREAS on or about April 20, 2016, the United States filed with this Court a Notice of Complaint for Forfeiture *In Rem* (the "Notice of Complaint") (ECF No.3) and sent copies of the Verified Complaint and the Notice of Complaint, by certified mail return receipt requested, to Erica C. Mirabella, Esq. in her capacity as counsel to Lionel Manigault. (See Declaration of Peter Gaeta with Exhibits, hereinafter "Gaeta Decl." at Exhibit A, filed herein);

WHEREAS the Notice of Complaint stated that any person who wished to assert an interest in and avoid forfeiture of the defendant property must file a conforming Claim with the Clerk of the Court no later than thirty-five (35) days from the date of mailing of direct notice or the date of delivery, if personally served (i.e. May 25, 2016), or, if direct notice was not sent to the claimant or the claimant's attorney, no later than 60 days after the first day of publication on an official internet government forfeiture site. In addition, the Notice of Complaint also detailed the procedure for filing a claim and answer while

stating that failure to timely file a conforming Claim, or failure to file an Answer or Motion, would result in the United States seeking judgment by default for the relief demanded in the Verified Complaint for Forfeiture *In Rem.*;

WHEREAS, the United States posted notice of this forfeiture action on an official government internet site, namely www.forfeiture.gov, beginning on April 21, 2016, and running for thirty consecutive days, through May 20, 2016, as permitted by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure (the "Supplemental Rules"). Proof of publication was filed with the Court on or about May 2, 2017;

WHEREAS, on or about April 24, 2016, copies of the Verified Complaint, and Notice of Complaint were delivered to the office of Erica C. Mirabella, Esq., Mirabella Law, LLC, as counsel for potential claimant Lionel Manigault, which is located at 132 Boylston Street, 5th Floor, Boston, Massachusetts, 02116. (Gaeta Decl. at Exhibit A); and

WHEREAS no conforming Claim and/or Answer has been filed within the time required by Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and 18 U.S.C. § 983(a)(4)(A) for the defendant property.

**NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND
DECREED:**

1. That a Default Judgment and a Final Order of Forfeiture is granted against the defendant property, namely \$54,760.00 in United States currency, and no right, title or interest in the defendant property shall exist in any other party; and

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the United States Marshals Service's management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Marshals Service into the Department of Justice Assets Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this

6th day of June, 2017



HONORABLE SUSAN D. WIGENTON
UNITED STATES DISTRICT JUDGE